

REMARKS

Regarding the Office Action:

Claims 27-52 are pending and under current examination. In the Office Action, the Examiner took the following actions:

- (a) objected to the drawings and the specification due to informalities;
- (b) rejected claims 27-52 under 35 U.S.C. § 101;
- (c) rejected claims 27, 34, 35, and 43 under 35 U.S.C. § 112, second paragraph;
- (d) rejected claims 27-47 and 49-51 under 35 U.S.C. § 103(a) as being unpatentable over Riley et al. (U.S. Patent App. Pub. No. 2003/0125046 A1) ("Riley") in view of McBurney et al. (U.S. Patent No. 6,055,477) ("McBurney"); and
- (e) rejected claims 48 and 52 under 35 U.S.C. § 103(a) as being unpatentable over Riley in view of McBurney and in further view of Hoshino et al. (U.S. Patent No. 6,081,230) ("Hoshino").

Applicants have amended claims 27, 31, 34, 35, 39, 43, 44, and 50. Applicants have also amended the specification, for the reasons discussed below. No new matter has been added.

Applicants respectfully traverse the objections and rejections, though respond as follows in order to advance prosecution.

Objection to the Drawings:

The Examiner objected to Fig. 1, Fig. 3, and Fig. 4 because they "do not contain any text." Office Action, p. 2. Although Fig. 1, Fig. 3, and Fig. 4 do not contain detailed textual descriptions located thereon, they do contain the required "graphical drawing symbol[s] or [] labeled representation[s] . . ." M.P.E.P. § 608.02(d). Moreover, "[d]rawings may include illustrations which facilitate an understanding of the invention (for example, flowsheets in cases of processes, and diagrammatic views)." 37 C.F.R.

§ 1.81(b). Applicants therefore submit that the drawings are in full compliance with 37 C.F.R. §§ 1.81, 1.83, and 1.84. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of this objection. Should the Examiner maintain the objection after consideration of these remarks, Applicants request that the Examiner telephone the undersigned representative to further discuss the objection.

Objections to the Specification:

The Examiner made multiple objections to the specification for informalities. See Office Action, pp. 2-3. In response, Applicants have amended the disclosure as indicated herein to both address the Examiner's objections and to correct typographical errors. Accordingly, Applicants deem the Examiner's objections to the disclosure overcome, and respectfully request their withdrawal.

Regarding the 35 U.S.C. § 101 Rejection of Claim 27-52:

The Examiner rejected claims 27-52 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. See Office Action, p. 3. Specifically, the Examiner alleged that the claims "do not produce a useful, concrete and tangible result, and are therefore not eligible for patent protection." Office Action, p. 3.

In response to this rejection, and without conceding to the Examiner's arguments regarding alleged non-statutory subject matter, Applicants have amended independent claim 27 to recite, in part, "determining from said state-based statistical filtering said at least one location coordinate of said terminal," with similar amendments being made to independent claims 34, 35, 43, 44, and 50.

Accordingly, Applicants respectfully request the Examiner's reconsideration and withdrawal of the 35 U.S.C. § 101 rejection of claims 27-52.

Regarding the 35 U.S.C. § 112 Rejection of Claims 27, 34, 35, and 43:

The Examiner rejected claims 27, 34, 35, and 43 under 35 U.S.C. § 112, second paragraph. Specifically, the Examiner alleged that Applicants' recited "the location coordinates," appearing in claims 27, 34, 35, and 43, has "insufficient antecedent basis for this limitation in the claims." Office Action, p. 4.

In response to this rejection, Applicants have amended claims 27, 34, 35, and 43 to recite, in part, "the at least one location ~~coordinates~~ coordinate . . ." Accordingly, Applicants respectfully request the Examiner's reconsideration and withdrawal of the 35 U.S.C. § 112, second paragraph, rejection of claims 27, 34, 35, and 43.

Regarding the 35 U.S.C. § 103(a) Rejection of Claims 27-47 and 49-51:

Applicants request reconsideration and withdrawal of the rejection of claims 27-47 and 49-51 under 35 U.S.C. § 103(a) as being unpatentable over Riley in view of McBurney.

The Examiner has not properly resolved the *Graham* factual inquiries, as required to establish a framework for an objective obviousness analysis. See M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007). In particular, the Examiner has not properly determined the scope and content of the prior art. Specifically, McBurney does not teach or suggest what the Examiner attributes to McBurney. In addition, the Examiner has not properly ascertained the differences between the claimed invention and the prior art, at least because he has not interpreted the prior art and considered both the invention and the prior art as a whole. See M.P.E.P. § 2141(II)(B).

Regarding independent claims 27, 35, and 44, and their respective dependent claims, the Examiner recognized that Riley does not teach or suggest at least Applicants' claimed "providing in [a state-based] statistical filtering at least one further state in addition to said at least one location coordinate, said at least one further state being representative of said measurement errors," as recited in independent claim 27, with similar recitations in independent claims 35 and 44. See also Office Action, pp. 4-5. Moreover, contrary to the Examiner's allegation on p. 5 of the Office Action, McBurney does not cure this deficiency in Riley. That is, McBurney also does not teach or suggest at least Applicants' claimed "providing in [a state-based] statistical filtering at least one further state in addition to said at least one location coordinate, said at least one further state being representative of said measurement errors," as recited in independent claim 27, with similar recitations in independent claims 35 and 44.

Instead, McBurney teaches a method for GPS-assisted determination of location coordinates of a mobile user, using, for example, "Kalman filter techniques, minimum least square techniques, or comparison of certain statistically defined parameters associated with the altimeter and GPS variables . . ." McBurney, Abstract. This clearly does not constitute "providing in [a state-based] statistical filtering at least one further state in addition to said at least one location coordinate, said at least one further state being representative of said measurement errors," as recited in amended claim 27, with similar recitations in amended claims 35 and 44. Applicants therefore submit that Riley, taken alone or in combination with McBurney, does not teach or suggest each and every element of Applicants' independent claim 27, 35, and 44, and therefore dependent claims 28-33, 36-42, 45-47, 49, and 51.

Regarding the rejection of independent claims 34, 43, and 50, the Examiner has incorrectly characterized Riley, particularly when the Examiner indirectly alleged that Riley teaches Applicants' claimed "including in [a] set of reference elements both terrestrial reference elements and at least one satellite-based reference element of a satellite-based positioning system," as recited in independent claim 34, with similar recitations in independent claims 43 and 50. Instead, Riley teaches determining a position and timing offset of a mobile station using, for example, "global position satellites or from a number of quality signals from base stations . . ." Riley, paragraph [0015] (emphasis added). This clearly does not constitute Applicants' claimed "including in [a] set of reference elements both terrestrial reference elements and at least one satellite-based reference element of a satellite-based positioning system," as recited in independent claim 34, with similar recitations in independent claims 43 and 50 (emphasis added). Moreover, McBurney does not cure this deficiency in Riley, even though the Examiner does not appear to specifically apply McBurney against claims 34, 43, and 50. For example, McBurney is directed to combining "measurements of altitude or elevation with GPS-based determination of location to provide accurate location coordinates for a GPS receiver . . ." McBurney, col. 7, ll. 60 - 62 (emphasis added).

Applicants therefore submit that Riley, taken alone or in combination with McBurney, does not teach or suggest each and every element of Applicants' independent claim 34, 43, or 50.

In view of the reasoning presented above, it is clear that the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Independent claims 27, 34, 35, 43, 44, and 50 are therefore nonobvious, as are claims

28-33, 36-42, 45-47, 49, and 51 respectively dependent therefrom. Accordingly, Applicants request the Examiner's reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of claims 27-47 and 49-51, and allowance of the claims.

Regarding the 35 U.S.C. § 103(a) Rejection of Claims 48 and 52:

Applicants request reconsideration and withdrawal of the rejection of claims 48 and 52 under 35 U.S.C. § 103(a) as being unpatentable over Riley in view of McBurney, and further in view of Hoshino. As discussed in the previous section, Riley in view of McBurney does not render obvious at least Applicants' independent claim 44, at least because Riley in view of McBurney does not disclose or suggest each and every element of independent claim 44. Therefore, dependent claims 48 and 52 are not obvious at least for the same reasons discussed with respect to claim 44. Moreover, the additional cited reference, Hoshino, taken alone or in combination with Riley and/or McBurney, also fails to disclose or suggest each and every element of independent claim 44.

For example, Hoshino, taken alone or in combination with Riley and/or McBurney, fails to cure the missing elements of independent claim 44 which were admitted by the Examiner and discussed in the previous section. Specifically, Hoshino is directed to a navigation system for means of estimating an error of a mounted sensor (see Hoshino, Abstract) and appears to have been only relied on by the Examiner for its disclosure of mounting a terminal on a vehicle. See Office Action, p. 8.

Accordingly, claims 48 and 52 are nonobvious and should therefore be allowable. Accordingly, Applicants request the Examiner's reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of dependent claims 48 and 52.

Conclusion:

Applicants request reconsideration of the application and withdrawal of the objections and claim rejections. Pending claims 27-52 are in condition for allowance, and Applicants request a favorable action.

If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

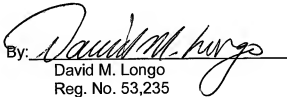
The Office Action contains statements characterizing the related art and the claims. Regardless of whether any such statements are specifically identified herein, Applicants decline to automatically subscribe to any statements in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 15, 2008

By: 
David M. Longo
Reg. No. 53,235

/direct telephone: (571) 203-2763/